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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,971	11/08/2005	Hans Westmijze	13877/16301	8201
26646 7590 11/13/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
HUHN, RICHARD A				
ART UNIT		PAPER NUMBER		
4131				
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,971

Applicant(s)

WESTMIJZE ET AL.

Examiner

RICHARD A. HUHNS

Art Unit

4131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
- Paper No(s)/Mail Date 19 December 2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 and 3 are objected to because of the following informalities:

Claims 1 and 3 are objected to for the use of "preferable" limitations. The claims are definite because one of ordinary skill in the art recognizes that the "preferable" limitation is optional or exemplary, and not express recitations of the claims. However, such "preferable" limitations have not traditionally been used in U.S. patent claims. Therefore, the examiner requests that the "preferable" ranges/limitations be deleted from the claims, and inserted into new dependent claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 4 recites the limitation "the pressure drop" in the second and third lines of the claim. There is insufficient antecedent basis for this limitation in the claim. There is

no prior reference to a pressure drop in claims 1 or 4, and the broadest reasonable interpretation of claim 1 does not necessarily include a pressure drop as may occur in, for example, a gas phase reactor.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,384,155. US '155 discloses (see Experimental at column 4, and results in column 6, Table VII, the right-most column for Example F) a process for batch suspension polymerization (see col 4 line 11) of vinyl chloride monomer (see col 4 line 25) using a first initiator (di(2-ethylhexyl) peroxydicarbonate, TRIGONOX EHP-C70, see col 6 line 21), and a second initiator (diisobutryl peroxide, TRIGONOX 187-C30, see col 6 line 23). The reference discloses a polymerization according to the same method as the instant claims. Therefore, the cooling capacity of the cited method is inherent to the process.

6. As to claim 4: The cited example in the reference includes the dosing of initiator over the course of an hour (see col 6 line 30) during the reaction. At this point in the reaction, the pressure of vinyl chloride will have already begun to drop.

7. As to claim 5: The reference teaches that the method disclosed therein may include the use of a protective colloid (see col 3 lines 53-55).
8. As to claim 6: The first initiator is more stable than the second initiator: at the reaction temperature (57 °C), the first initiator has a half-life of 3.1 hr, and the second initiator has a half-life of 0.1 hr (see col 6 line 24).
9. As to claim 7: The amount of the second initiator used is 0.01% based on the weight of monomer (see col 6 line 28).
10. As to claim 8: The total amount of first and second initiator used is 0.06% based on the weight of the monomer.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,384,155, as applied above, in view of US Patents Nos. 3,778,422 and 6,274,690.
13. US '155 fails to disclose a polymerization method using a reactor with a volume of 15 m³ or larger. US '422 discloses a method of polymerizing vinyl chloride using a mixture of two initiators (see col 3, example 1). US '422 further discloses that the methods described therein may be scaled up for commercial reactors (see col 3 line 72

to col 4 line 11). US '690 discloses a method of polymerizing vinyl chloride monomer with reactors of at least 40 m^3 (see abstract). It would have been obvious to a person of ordinary skill in the art to have used the polymerization method of US '155 in a commercial-size reactor (including one of 15 m^3 or larger volume) because US '422 and US '690 teach that vinyl chloride may be polymerized in large commercial-size reactors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD A. HUHN whose telephone number is (571) 270-7345. The examiner can normally be reached on Monday to Friday, 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R. Sample/
Supervisory Patent Examiner
Art Unit 4131

/R. A. H./
Examiner, Art Unit 4131